

THE UNITED STATES  
PATENT AND TRADEMARK OFFICE

PATENT APPLICATION

Christ ph Georg Erben  
D uglas M Gill  
Howard Edan Katz  
Mark Lee

Prior Application: **Erben 1-6-43-2**  
Serial No: **10/032798**  
Filing Date: **December 26, 2001**  
Group Art Unit: **2877**  
Examiner: **J. Valentin II**  
Status: **allowed**

031356 U.S. PTO  
10/762976

Case Name/No.: **Erben 5-13-53-5**

COMMISSIONER FOR PATENTS  
P.O. BOX 1450  
ALEXANDRIA, VA 22313-1450

"Express Mail" mailing label number <b>EU 736524304</b> US	
Date of Deposit	<b>January 22, 2004</b>
I hereby certify that this <b>Divisional Patent Application</b> is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to:	
Mail Stop	<b>Patent Application</b>
Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450.	
<b>Catherine F. Dogan</b>	
Printed name of person mailing paper or fee	
<b>Catherine F. Dogan</b>	
Signature of person mailing paper or fee	

CONTINUATION/DIVISIONAL APPLICATION UNDER 37 CFR § 1.53(b)

SIR:

This is a request for filing a ☐ continuation ☒ divisional application under 37 CFR § 1.53(b) of prior Application Serial No. **10/032798** filed on **December 26, 2001** entitled **Electro-Optical Modulators**

Enclosed are the following papers relating to the above-identified application:

1. ☒ Specification (Total Pages: 19)
2. ☒ Drawings (Total Sheets: 5)
3. ☒ Copy of "Declaration and Power of Attorney" from prior application (Total Pages: 5)
4. ☐ Newly executed "Declaration and Power of Attorney" (if **adding** inventors) (Total Pages: \_\_\_\_\_)
5. ☐ Newly executed "Assignment and Agreement" (if **adding** inventors) (Total Pages: \_\_\_\_\_)
6. ☒ Incorporation By Reference  
The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 3, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.
7. ☐ **DELETION OF INVENTOR(S)**  
Signed statement attached (under 37 CFR § 1.63(d)(2)) deleting inventor(s) named in the prior application
8. ☐ Information Disclosure Statement (w/references)
9. ☐ Copy of "Extension of Time"
10. ☐ Other:
11. ☒ Cancel the following original claims in the prior application before calculating the filing fee:  
**Cancel claims 1-15**

CLAIMS AS FILED IN THE PRIOR APPLICATION, LESS ANY CLAIMS CANCELLED IN #11				
	NO. FILED	NO. EXTRA	RATE	CALCULATIONS
Total Claims	5	0	x \$18 =	0
Independent Claims	1	0	x \$86 =	0
Multiple Dependent Claims(s), if applicable			+ \$290 =	
Basic Fee				\$770
			TOTAL FEE:	\$770

12. ☒ Amend the specification by inserting before the first line this sentence:  
This is a ☐ continuation ☒ divisional of Application Serial No. 10/032798  
filed on 12/26/01
13. ☒ Preliminary Amendment
14. ☒ Amendment Fee:  
☒ No additional fee is required.  
☐ An additional amendment fee is calculated as follows:

CLAIMS AS AMENDED						
	Claims Remaining After Amendment		Highest No. Previously Paid For (from above)	Present Extra	Rate	Additional Fee
Total Claims for Fee Purposes	6	minus	20		x \$18	0
Independent Claims	1	minus	3		x \$86	0
Multiple Dependent Claim(s) first presented with this amendment, if applicable.					+ \$290	
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT:						0

Please charge the total amount of \$ 770.00 to **Lucent Technologies Deposit Account No. 12-2325**.

Duplicate copies of this letter are enclosed. In the event of non-payment or improper payment of a required fee, the Commissioner is authorized to charge or to credit **Deposit Account No. 12-2325** as required to correct the error.

The Commissioner for Patents is hereby authorized to treat any concurrent or future reply, requiring a Petition for Extension of Time under 37 CFR § 1.136 for its timely submission, as incorporating a Petition for Extension of Time for the appropriate length of time if not submitted with the reply.

Please address all correspondence to **Docket Administrator (Room 3J-219), Lucent Technologies Inc., 101 Crawford's Corner Road, Holmdel, New Jersey 07733-3030**. However, telephone calls should be made to me at 908-582-6866.

Respectfully,



**John F. McCabe**  
Attorney for Applicant(s)  
Reg. No.: 42854

Date: Jan. 21, 2004

Lucent Technologies Inc.  
101 Crawford's Corner Road  
Room 3J-219  
Holmdel, New Jersey 07733-3030